THE COURT OF APPEALS CALLED IT ILLEGAL AND UNJUST-AN EXPLANATION BY A

FRIEND OF THE LAWYER. Opposition to the confirmation of William B. Hornblower as a justice of the United States Supreme Court is being made by several persons, both on political and professional grounds. The antieland Democrats are opposed to him because of the action which he took against the Demo cratic machine some time ago, but Melville C. Day, who is one of the executors of the estate of Cornelius K. Garrison, has published and is circulative. culating a pamphlet attacking Mr. Hornblower on account of a decision which he made as referee in the case of Clark R. Griggs against Mr. Day and others, as executors of the estate. The pamphlet rehearses the history of the case, which briefly is as follows:

On January 15, 1881, a suit was begun in the Superior Court here by Clark R. Griggs against Cornellus K. Garrison, Carrison died on May 1, The case was continued against his executors On March 13, 1884, the case was referred to Rastus S. Ransom, but on January 3, 1888, Hamilton Odell was substituted as referee. On March 5, 1889, Mr. Odell made a report upon which a judgment was entered in favor of defendants, upon their asserted counterclaim, for \$2,194,131 54. The plaintiffs aptled to the General Term, which granted a new trial of the case.

MS. HORNELOWER MADE REFERED.

On February 25, 1891, a new order of reference was made to William B. Hornblover, He made a report upon which judgment was entered on January 25, 182, in favor of plaintiff for \$183,080 75. The defendants then appealed the case to the General Term, which "p.o forma" and "per curiam." affirmed the judgment. The defendants appealed to the Court of Appeals, which gave an opinion reported in 136 N. Y., 152.

Griggs, in 1879, made a contract with the Wheeling and Lake Erle Railroad to construct a certain number of miles of road, and Garrison furnished the money for the work, taking as security the contract money for the work, taking as security the contract with the company and a quantity of its stocks and bonds. Garrison was sued for the difference between the face value of the bonds and the amount at which he took them as security. In the Court of Appenis the decision of Mr. Hornblower was reversed by the unantmous vote of the Judges. The opinion was written by Chief Judge Earl and all of the Judges concurred in the opinion except Judge Grey, was concurred in the result. In regard to Mr. Hornblower's decision the presiding Justice sand:

said: areful study of the record has satisfied me e-judgment appealed from is both illegal and

unjust."
In various other particulars the Court of Appeals criticised the decision of the referen. Mr. Horn-blower charged, as referee, \$1,500. Both sides to the action agreed to his, but the plaintiffs attorney endeavored to have the referee's charge become a part of the judgment. The Court of Appeals refused to make the amount a part of the judgment. SHOR WORDS NOT PYUSHAL

A man associated with Mr. Hornblower said re garding the pamphlet: "This case came before Mr Hörnblower as referce on a second trial. A decision of the General Term is necessarily binding upon th referee before whom the case comes for a second trial. Mr. Hornblower followed the rulings of the trial. Mr. Hornblower followed the rulings of the General Term as he understood them. His judgment being appealed from, the General Term, composed of three of the ablest judges on the bench, athrened his decision, not 'pro forma,' but in a 'per curlam' opinion. The language of the Court of Appeals in commenting upon the coinion of the referee is no more emphatic than is frequently found in judicial epinions where judges differ as to the law. The attack upon Judge Gray, of the Court of Appeals, seems to call for no particular notice, except a demial that there was any special intimecy or friendship between him and Mr. Hornblower, it is not true, as stated in the pamphiet, that this was Mr. Hornblower's first appearance as referce before the Court of Appeals. He had acted as referee in many cases, and had always been affirmed with this exception."

Washington, Dec. 6 (Special).—The nomination of Washington, Dec. 6 (Special).—The nomination of William B. Hormblower to be Associate Justice of the Supreme Court of the United States was sent to the Justiciary Committee in executive session this afternoon. With it, although not sent there by the Senate, goes a mass of testimony said to be highly derogatory to the judicial attainments of the man appointed to so distinguished a position as a place in the highest court of the land.

NOT SEARCHING FOR THIS SWINDLER,

THE MAN WHO HAD CONTRACTED WITH THE HERRESHOFFS FOR A YACHT IS NOT WANTED BY THE NEW-YORK POLICE.

The police in this city are not making any search for the mar calling himself Howard Wade Ream, who lately imposed on Herreshoff Brothers, of Bristel, R. I., by making a contract with them for the building of a steam yacht to cost about \$150,000. It is said that the man has not been seen in the city recently, and that there are no complaints against him here that the police could take notice of if they knew where to find him. He has claimed to be a son of Norman B. Ream, the Chicago millionaire, place, Moreover, it was said in the story that J. W. Ream, of Dayton, Ohio. He was arrested and sent to jail in Chicago as a vagrant about a year go, after he had borrowed money from many perinduce an heiress there to marry him.

After his release from jail he came to this city and managed to support himself for months by horrowing money from men to whom he talked of various schemes for making fortunes. Among the men who listened to his tales was William N. Wolfe, the real-estate agent at No. 136 Liberty-si. Mr. Wolfe lent money to Ream on several occasions, but at length discovered his real character and told him to stay away from his office.

Last spring Ream managed to get his name into the city directory as a broker at No. 40 Wall-st, and living at the Hotel Waldorf, although he had no business and no office in Wall-st, and had not been a permanent gaest at the hotel. He had gone to the hotel and hired a small room, but had failed to pay for it. He even had the audacity to attempt to borrow \$25\$ at the hotel. A number of persons went to the hotel later, supposing that Ream lived there, to collect small debts, and were turned away disappointed.

Depointed. Early in November it was announced that the Herreshoffs were to build a steam yacht for Howird W. Ream, a New-York broker, and the statement caused many inquiries among yachting men who had never heard of Ream. The Herreshoffs and begun work on the plans for the yacht before hey discovered that Ream had no standing at all a this city, and was in fact a penniless adventurer, t was believed that he made the contract for the acht with the sole purpose of creating the impression that he was a man of wealth, and thus unthering his schemes for borrowing money.

ney of the New-York Central and Hudson River Railroad's roundhouse, at Fourth-ave, and Fortyfuch volumes as to constitute a serious nuisance. An investigation was made by Edward W. Ma: 'n, the chemist of the Health Board, who reported yesterday that the trouble was caused by burning soft coal in the furnaces of the roundhouse. Upon his recommendation the Health Board sent a notice to the company to abate the nuisance, either by burning hard coal or by the use of some smoke-consuming contrivance. Orders were given by the Health Board yesterday to have three stables vacated because the stables had been permitted to become filthy. The stables are at Nos. 239 West Sixty-shird-st., 229 West Sixty-seventh-st., and in Ninety-sixth-st., between West-End-ave, and the Riverside Drive. volumes as to constitute a serious nuisance.

and, who was accused of shooting Frederick office yesterday. Several boys testified that they beard the report of a gun near Sergeant Cooper's house at the time Dullin was shot, but mey did not know that the shot was fired by Cooper. It was shown that the Grand Jury had made an investigation in the case, and had refused to indict sergeant Cooper. In his defence Sergeant Cooper lented that he had fired the shot, and he was corroborated by his wife and by Charles A. Klipp, the was playing dominoes with him in the house a the night in question. Klipp, the shot and followed Sergeant Cooper out of the ouse, but they did not learn who had fired the tot. The charge against Sergeant Cooper is likely be dismissed.

our years I gave up all remedies and began ring S. S. S. After taking several bottles I ras entirely cured and shie to resume work.

Is the greatest medicine for blood poisoning to-day on the market."

MR. HORNBLOWER ATTACKED | CAPT. COLEMAN WON'T RESIGN.

INSTEAD, HE WILL HAME HIS COMPANY GIVE AN EXHIBITION DEILL.

HE EXPECTS THUS TO SHOW ITS EFFICIENCY-THE GOVERNOR WILL NOT APPOINT

THE COTH'S COCCNEL. Captain Hugh Coleman, of Company E, 65th Regment, has thrown down the gagantlet to Inspecto General Thomas W. McGrath, General McGrath reported that the best service Capialn Coleman could do to the regiment would be to resign. Cap tain Coleman has retorted by ordering an exhibition drill for Monday evening next, to which be invites the public generally, the newspaper reprentatives in particular, and the Inspector-General If he wishes to see what a first-blass company can do on the drill floor. A Tribune reporter met Cap-

ain Coleman at the armory last night. "The general impression seemed to be that you would be hiding your face in shame to-night," said the reporter

"I have seen too much service to be scared by little thing like that," replied the officer, with a smile. "No, sir; not much," he continued, "and it have ordered an exhibition drill 'br next Monday night, to which everybody interest to is invited, es pecially the press. I will show them what a fine

Generally the tone of General McGrath's report as not a surprise to the officers of the regiment He expressed himself with consid valide spirit or the night he made the inspection, and harsh criticisms were expected.

All the talk about the possibility of the Governor's appointing a colonel to take command of the regiment is nonsense. The Governor has absolutely no power to appoint such an officer, until the regi ment has proved itself unable to cleet a colonel The new Military Code is specific and sclear on this point. It says, Section No. 53:

point. It says, seemen No. of "Except as otherwise provided in this chapter, field officers of regiments and battialions, not a part of a regiment, shall be chosen by the field and company, troop or battery officers of their respective regiments or battalions. No person shall be eligible to the office of colonel who has not served at least three years, either in the National Guard, or in the

to the office of colonel who has not served at least three years, either in the National Guard, or in the regular or volunteer forces of the United States, or three years in the aggregate, in two or more of such branches of the military service."

Section No. 54 provides for pro vedings in case of vacancy and says:

"If a vacancy and says:

"If a vacancy exists in the office of any field officer in any regiment, or battalian not part of a regiment, the commanding officer of the brigade to which such regiment or battalian belongs, shall cause a written or printed notice to be served on the field and company officers in such regiment or battalian for an election to fill the vacancy, at least five days before such election shall take place, and shall precide or designate some other proper officer to preside thereat."

Section No. 56 provides for a case where there is a deadlock as follows:

"The officer causing the notice to be given for any election that attend or designate other proper officers to attend at the time and place of holding such election. He, or the officer designated by him, shall organize the meeting and preside thereat, and may, for sufficient reason, adjourn the same from time to time, and if three meetings result in no choice the vacancy may be filled by the commander-in-thief. If the officer designated by him, shall not attend the meeting for designated by inin, shall not attend the meeting for designated by inin, shall not attend the meeting for designated by not an about the only case in witch the Governor can appoint field officers as provided by the military code, extent in the case of a deadlock, is in a new resiment, battalion or company, which is not well enough organized to appoint officers in the first instance necessary to commence or complete any organization created under this chanter, but not at afficiently organized for an election. Its will be seen, the hands of

organized under this chapter, but not sufficiently organized for an election."

By these sections, it will be seen, the power to order an election lies absolutely in the hands of Brigadier-General Louis Fitzeerald. Neither the Governor nor his representative, the Adjutans-General, has any jurisdiction until after the third meeting at which there is a failure to clee; a colonel

TO SUCCEED MAJOR PETTIGREW.

Captain H. H. Quick, of Company E. 47th Regiment, of Brooklyn, was elected major of the regiment last evening, to succeed Major William R. Pettigrew, resigned. Major Pettigrew for twenty-cigat years held the office, and after the last example of the presign the place, in view of the question raised as to his competency. He was suspended by Colonel Eddy.

DR MIGLYNN AND THE ROMAN EMBASSY

A REMARKABLE STORY ABOUT THE RESTORED PRIEST-HE WILL NEITHER CONFIRM

NOR DENY IT. Whether the Rev. Dr. Edward McGlynn is to b Ambassador to Italy or not is a matter which must, for the present anyhow, be shrouded in mystery According to a story published yesterday, Dr. Mc-Glynn's friends are putting him forward for the Henry George said that he sincerely hoped that

gratulating him on his recovery. Mr. Miller said yesterday that he had given little thought to busiof course, but he had not found that the document to the Senate, among others, the following nomigave him much satisfaction. The message was what the people might have expetced, though Mr. Miller doubted whether it was what they looked for or what they wanted.

That part of the address which dealt with Nicarngua affairs pleased Mr. Miller, particularly the parastraph on the Nicaragua Canal. He said that the President's sentiments would encourage the canal company and the sympathizer in the movement to greater efforts. That the work should be accomplished under distinctively American auspices was an especially gratifying recommendation. Mr. Miller said that a committee of reorganization had been appointed for the Nicaragua Canal Construction Company, and would probably have a report to make before long. He had the fondest hopes for the ultimate success of the canal enterprise in Nicaragua.

Mr. Miller expressed himself as much pleased with the results of the recent elections, and said that, now that the Republicans had the opportunity to show the people of the State the difference between Democratic and Republican legislation, he hoped they would make the most of tit.

A number of politicians called on Mr. Miller yesterday, among whom were ex-Senator T. C. Platt, William Brookfield, Charles W. Hackett, Charles A. Willbur and ex-Congressman Henry G. Burleigh, Mr. Miller will remain here this week.

THE PRESETTERIAN COMMITTEE IN SESSION

Pittsburg. Dec. 6.—The committee of the Presby-terian General Assembly to derise means to bring terian General Assembly to devise means to bring the theological seminaries into more harmonious relations with the Church, continued its session in the First Presbyterian Church to-day. The whole time was occupied in hearing the ideas of the members as to the preser play to be recom-mended. The committee will probably adjourn to-morrow, and if it falls to agree upon a report, it will refer the master to a sub-committee.

Dr. Lyon's Perfect Tooth Powder.



Thoroughly cleanses the teeth and purifies the breath. Used by people of refinement for over a quarter of a century. Sold Everywhere.

MR. OLNEY'S REPORT.

THE WORK OF HIS DEPARTMENT.

GOOD RECORD OF THE SUPREME COURT-UNITED STATES PRISONS-POPULAR ERRORS CON-CERNING THE ANTI-TRUST LAW.

Washington, Dec. 6.-The annual report of Attorney-General Olney notes with gratification that the Supreme Court is making reasonable progress in overcoming the arrears of business, which, until the stablishment of the Circuit Courts of Appeals, steadily increased from year to year. He says

"The two cases of greatest consequence to the Government decided by the Supreme Court during the past year were what are known as the "Chinese Exclusion" case and the "Hat Trimmings" case The latter involved no legal principle of special moment, but its decision adversely to the Governnent makes it liable to pecuniary claims variously estimated as amounting to from \$10,000,000 to \$30,900, 000. The Chinese Exclusion case, on the other hand, brought into debate a question of Constitutional law second to none in gravity and in the far-reaching esults dependent upon its determination."

Noticing the small number of French spollation tases disposed of by the Court of Claims during the

year, Attorney-General Olney says:
"The comparatively small number of these cases disposed of during the past year is explained by the fact that the failure of Congress to appropriate

ceeds to a consideration of the fee system, as to

"The system by which the United States districtattorneys, marshals, clerks and commissioners are paid by fees has been so often and so emphatically condemned—is so indefensible in principle, and works such gross injustice in practice-that its survival to this time is nothing less than a wonder and a reproach, Illustrations of the wastefulness and the incongruities of the present system abound paying any United States District-Attorney an annual salary twice as large as that received by a Judge of the Supreme Court of the United States; yet under the fee system the effice of a United States attorney in one district has in recent years realized to its incambent at least \$20,090 a year. In another district, where the carnings of a District, where the carnings of a District Attorney for a year and a half amount to \$1,983, the returns show that but little more than \$1,990 was carned in court, the entitle balance consisting of mileage charges for travel to court or to attend the discharge of the poor convicts. All districtions, however, must yield in significance to that of the clerk of one of the United States Territorial courts, whose not fees for 1890 were \$10,785; for 1891, \$13,155, and for 1892, \$12,22."

Concerning the Sherman Amil-Trust law of July 2, 1890, the Attorney-General speaks with considerable emphasis. He says:

"There has been and probably still is a wide-spread impression that the aim and effect of this statute are to prohibit and to prevent those aggregations of capital which are so common at the present day, and which are sometimes on so large a scale as to practically control all the branches of an extensive industry. I would not be useful, even if it were possible, to ascertain the precise purposes of the framers of the statute operates, and alone can operate, is said part of the trade of commerce among the several States or with foreign nations." There is therefore accessfully exempt from its owner. caying any United States District-Attorney an

where Moreover, it was said in the shory has that Peresident Cleveland would appoint Dr. McGirns to the vacant embass, When Dr. McGirns felends read this yesterday they laughed. The idea of Father McGirns that the Quirinal, answed them greatly. That Pope Leo would allow Dr. McGirns to be Ambassader at the Quirinal, answed them greatly. That Pope Leo would allow Dr. McGirns to be Ambassader and the McGirns to be a marked to the search of the state of the angular of the form of the form of the form of the feet of the state of the stat

ntions:
Joseph B. Doe, of Wisconsin, to be Assistant
Secretary of War.
Paymaster Abert D. Bache to be a pay inspector.
Paymaster Assistant Paymasters Arthur Peterson,
Ambrose K. Michter and William W. Gait to be paymasters.

Passed Assistant Engineers William S. Moore, George Cowle and Charles P. Howell to be chief engineers; Assistant Engineers William Strothersmith, Gustav Kaemlerling, Kenneth McAlpine, Carence H. Matthews, Dewitt C. Redgrave, William W. White and Blas E. Sampson to be passed assistant engineers.

Lieutenant, junior grade, John M. Quinby to be Reutenant.

Washington, Dec. 6.-Colonel Charles Page, Assistant Surgeon-General of the Army, has been placed on the retired list on account of age, ite was the senior colonel in the Medical Corps.

PROCEEDINGS IN THE HOUSE.

livery of eulogies on the late General James Shleids, and as a further mark of respect the House at

THE ATTORNEY-GENERAL TELLS ABOUT IN MEMORY OF GEN. SHIELDS.

VEILED AT THE CAPITOL.

COVERNOR ALTGELD OF ILLINOIS MAKES THE DEDICATORY ADDRESS-STATUARY HALL

CHOWDED DURING THE CEREMONIES. Washington, Dec. 6.-The unveiling of the statu of General James D. Shields at the Capitol to-day which both houses of Congress, as well as many The statue was placed several days ago in Statuary Hall, in close proximity to one of Lincoln. tue is herole in size and stands on a pedestal gray granite, in all twelve feet high. Leonard W. Volk was the sculptor. In raised Roman letters on the gray granite of the pedestal appear the words,

Warrior, Jurist, Statesman." The figure of General Shields is in the uniform of a General of the time of the Mexican War. Its pose is full of life and action, and, the head being bared, its noble contour and strong, regular fea-tures show strikingly and well. The right hand supports itself by seizing the best, the left rests on the hilt of a scabbarded salve, the point on the

disposed of during the past year is explained by the fact that the failure of Congress to appropriate for the judgments already rendered caused the Court to doubt the advisability of obstructing other business in order to dispose of more of this class of cases."

On the subject of United States prisoners and prisons the Attorney-General remarks:

'I have endeavored to faithfully carry out the laws so far as they devolve upon me the duty of supervising affairs connected with the support of United States prisoners. I believe that immediate steps should be taken for the erection of at least two penitentiaries and one reformatory, capable of accommodating all prisoners sentenced to long iterms by the United States courts. While the first two penitentiaries and one reformatory, capable of accommodating all prisoners sentenced to long iterms by the United States courts. While the first two penitentiaries and one reformatory, capable, the expense of conducting them when ready for occupancy and for supporting the inmates could not be more than the cost under the present system, and might be greatly lessened under proper and judicious management."

The report discusses with clearness and claboration of detail all the important cases pending in which the United States is a party, and then proceeds to a consideration of the fee system, as to

of honor.

When Speaker Crisp ascended to the platform, he was greeted with a loud clapping of hands, Mr. Mansur arose, and, after briefly stating the purpose of the gathering, introduced W. H. Candon, the president of the commission. He told of Shields's birth in Ireland, of his first visit to the United States, and of his removal from New-York to Hillnois, and gave a most interesting sketch of Shields's early life and the achievements of his

CAPTAIN ZALINSKI TO BE RETIRED. THE INVENTOR OF THE DYNAMITE GUN MUST

LEAVE THE ARMY RECAUSE OF PHYSICAL DISABILITY.

Washington, Dec. 5.-Captain Edmund Zalinski, the inventor of the pneumatic dynamite gun, is to

TWO PROPOSED PENSION MEASURES. Washington, Dec. 4.-Two bills relating to pension

IN DOUBT ABOUT THEIR TITLES.

bought through the company are valid or not. The company owns about 100 acres of land near Sum-

Most of the purchasers of these lots are Hamms or Hebrews.

Thomas Ritchie, who lives in Forty-seventh-st. near Ninth-ave., said to a Tribune reporter last night: "I bought three of these lots from the Berkeley Heights Improvement Company, but I did not know that there was a mortgage on them. I have been down to the office of the company to see Mr. McNamee, but cannot find him. The last I heard of him he was in Buffalo."

Mr. McNamee is a member of the Republican Crub, and it is said that he was president of the Irish-American League.

A SWINDLER FROM SPOKANE ARRESTED.

a merchant of Spokane, Wash, who was believed to be on his way to this city with the intention of sailing for Europe. The dispatch stated that McConnell had fraudulently obtained goods from William and J. Sloan & Co., of No. 6il Merketesk, San Francisco, and that the goods were vaiued at about \$2,500. Mec'onnell was accompanied by his wife and two small children. Detectives were detailed to watch the outgoing steamships in this city, and McConnell was accompanied by his wife and two small children. Detectives were detailed to watch the outgoing steamships in this city, and McConnell was accompanied by his wife and two small children. Detectives were detailed to watch the outgoing steamships in this city, and McConnell was accompanied by his wife and two small children. Detectives were detailed to watch the control of the connected of the connec

TRAINED NURSES HAVE A CLUB NOW

PROCEEDINGS IN THE HOUSE.

Washington, Dec. 6.—The morning hour in the House of Representatives to-day was consumed in discussion of the resolution to appoint a joint committee to investigate the personnel of the Navy. Messrs, McCreary (Dem., Ry.), Kilgore and Sayers (Dem., Tex.) and others strenuously opposed, and Messrs, Meyers (Dem., La.), and Cummings (Dem., N. Y.) favored the resolution. Before a result was reached the morning hour expired and the resolution went over.

The rest of the session was devoted to the de-

USUAL SUGAR DIVIDENDS.

A DECLINE IN THE STOCK FOLLOWS.

DECIDED WEAKNESS IN ATCHISON BONDS-THE MARKET GENERALLY LOWER.

The Wall Street markets yesterday had a number of pleces of good news to play with, but the tone of speculation continued unsettled. The directors of the American Sugar Refining Company declared the usual quarterly dividends of 13, per cent on the preferred and 3 per cent on the common stocks. These are payable on January 2, and the transfer books close on December 13. The dividends were what had been expected, but the future policy of the company may be modified by the action of Congress in dealing with the sugar tariff. Under the reductions proposed in the Wilson bill, the refiners of sugar say that a serious blow would

be dealt to their profits.

The executive committee of the Western Union A STATUE OF THE SOLDIER-STATESMAN UN-Telegraph Company also met, and recommended the usual quarterly dividend. There was a report that the statement for the quarter would show a lecrease of \$400,000 from last year, but directors of the company denied that the decrease would be so large. The directors of the Chicago Gas Company were in section in Chicago on question, and the Street was still talking of a

The stock speculation was sympathetically de-

The stock declined from 19% to 184/201815, but there was decreased activity.

The activity of American Sugar Refining stock was maintained. The sales amounted to nearly 31:000 shares. Opening at 83th, the price advanced to 84th, but after the declaration of the dividends there was a decline to 824/2083. Large dealings in Distilling and Cattle Feeding resulted in a net gain of a trifle, but the Street speculators are growing more confident that the necessities of the United States Treasury must force a large increase in the tax on distilled spritts, Chicago Gas fell from 65th to 67th, but railled to 37th. General Electric was active and opening up 5 per cent at 34th, the price fell to 324-6325. The general railway list showed only small net losses as the rule. Missouri Pacific exceptionally declined nearly 2 per cent on the heavy loss shown in the gross carnings reported for the last week of November.

DISSOLUTION OF A CLETHING FIRM. VOGEL BROS., AT BROADWAY AND THIRTY-FIRST-

ST., FIND BUSINESS UNPROFITABLE.

Judge Ingraham, of the Supreme Court, yester-day appointed Leo Schlesinger receiver of the firm of Vogel Brothers, retail clothlers, at Broadway and Thirty-first-st. Mr. Schlesinger is in the tinware business at No. 129 Crosby-st., and he iled a bond for \$50,000. The action was brought by Jacob Vogel. The causes of the dissolution of the firm are heavy rents and duit trade. Jacob and Louis Vogel formed their partnership on March 28, 1893. Each partner contributed about \$50,000. The firm leased the building at Broadway and The firm leased the building at Broadway and Thirty-first-sit, for ten years, at a yearly rental of 25,000. The building stood on the site of a barraom establishment known as the White Elephant, and the firm adopted this device, the figure of a white elephant, as its trademark. The doors were opened for business in Suptember. The firm occupied the ground flour, but was unable to let the other five floors.

The firm, it is said, is perfectly solvent. It has so connection whatever with any other clothing firms.

The assets are about \$230,000, consisting of stock worth \$155,000 fixtures and patterns about \$130,-60, outstanding accounts \$5,000, and cash \$1,000. The labilities are about \$120,000, exclusive of that for rent.

Liss Schledinger, the receiver, said yesterday that the work on the books would not be finished for a day or two. Townsend, Dyett & Einstein are the attorneys for Jacob Vogel.

WORKING ON SCHLOSS & CO.'S BOOKS. THE DEFAULTING CONFIDENTIAL CLERK AR-RAIGNED IN COURT-THE AMOUNT OF

HIS THEFTS UNKNOWN. The affairs of N. J. Schloss & Co., manufacturers of boys' clothing at Nos. & and & Broadway, are still in an unsettled condition. Simpson Wolf, the assignee, was busy at the store yesterday having an inventory of the assets prepared, to get at the exact situation of the firm. At the office of Wolf. Kohn & Ulman, attorneys for the firm and assignee, it was said that experts had been placed at work on the firm's books. There is a large stock of merchandise on hand which it will take time to inventory, and the outstanding accounts are heavy, it is impossible yet to tell the extent of the kiregularities of J. H. Louis, the confidential clerk, which

larities of J. H. Louis, the confidential clerk, which are thought to have caused the wreck. It is known he falsified the books, but what he did with the money he obtained from the firm the lawyers have not yet been able to learn. Concerning mortgages on real estate owned by the Messrs. Schloss at No. 16 West Seventy-fourthet, and 8. East Seventy-mithest, which were recorded on Tuesday, the attorneys said that the firm borrowed \$5.000 from the estate of Semon Bache last summer, and they gave a mortgage to the executors for that amount, but it was recorded only on Tuesday. The Messrs. Schloss also gave another mortgage to the executors for \$15.000 as additional security, and one for \$15.000 to Issae Levy for the amount of a confidential debt.

debt.
Writs of replevin were obtained yesterday against
N. J. Schloss & Co. by six creditors whose claims
aggregated about 28,000.
Louis was arraigned in the Tombs Police Court,
but was remanded antil to-day. He was believed
to be the treasurer of the Lakewood Roal Estate
company, which has an office at No. 17 Broadway
H. Alexander is the president of the concern, but
M. M. Smith, who has a desk in the same office,
said that Mr. Alexander was at Lakewood, and
came to town only once a week. Mr. Smith knew
publify about the company's affairs.

RECEIVERS FOR A BUILDER'S PROPERTY. and-second-st., between Lexington and Park aves., of Frederick Robrs, builder, of No. 202 East One-hundred-and-twenty-sixth-st., in a suit brought by William J. Scaman to foreclose a mortgage of \$14,900 on which no interest has been paid since October, 1922. Mr. Scaman has reveral other foreclosure suits against Mr. Robrs on Nos. 111 and 115 East One-hundred-and-second-st., Three weeks ago Mr. Robrs transferred five flathouses, Nos. 197 to 115 East One-hundred-and-second-st., to William J. Nickhas for a nominal consideration. Mr. Robrs has been in the grocery business for thirty years, and in 187 took up building. He has put up many houses in Harlem. His equities in his properties were a few months ago estimated at \$50,000, and his friends expect that he will extricate himself as soon as times improve. J. Orlando Harrison was also appointed receiver yesterday for Mr. Robrs in supplementary proceedings brought by E. S. Greeley & Co. ---

the Wayside Knitting Mill in this city is again shut down for an indefinite period. Newburg, N. Y., Dec. 6.—The following notice was posted to-day on the gates of the Firth Carpet

Owing to the uncertainty regarding the tariff, and conscouent degreemition of values, these mills will lose down Wadnesday night, the 6th inst. THE FIRTH CARPET COMPANY. Per Frederick Booth, superintendent,

SUIT AGAINST THE POTTERIES TRUST.

No. 15 West Forty-second-st., held a neumannian reception yesterday afternoon in the new clubbouse, no. 104 West Forty-first street. Over two hundred teries Company in behalf of a dozen dissatisfied stockholders who say that the company is a trust, and the company is a trust.

In the Early Days

of cod-liver oil its use was limited to easing those far advanced in consumption. Science soon discovered in

consumption. Scott's Emulsion

it the prevention and cure of

of cod-liver oil with Hypo-phosphites of lime and soda has rendered the oil more effective, easy of digestion and pleasant to the taste.

Prepared by Scott & Bowne, N. Y. All draggists.

City, writes: "I get special content of the physician's office."

Dr. B. E. Kell, W. H. Hospital, Blackwell's Island, writes: "Such a valuable agent will rapidly increase in its administration."

Dr. Baron Franks, Boston, Mass., writes: "Have faithfully tested it, and would not be without it. Make this valuable remedy known as it ought to be."

Dr. J. B. Conklin, Albany, N. Y., writes: "It has no equal."

Dr. S. N. Marshall, Jeffersontown, Ky., writes: "I have been practising medicine forty years, In all that time I have never found a remedy so gratifying. Its effect is immediate."

One trial will convince you of the merits of OUICKINE.

QUICKINE.
Get an 8-ounce bottle for 50 cts. to keep handy.
Sold by all druggists everywhere.
STANDARD CHEMICAL CO., sole manu-

Bryan, William F. Coxor and eight others for-merly associated in business with them. DANBURY COUNCIL MAY BE RESTRAINED. LEGALITY OF A PROPOSED APPROPRIATION FOR LOCKED-OUT HATTERS QUESTIONED.

New-Haven, Conn., Dec. 6 .- The action of the ocked-out Danbury hatters in calling, through the Selectmen, a town-meeting for to-morrow to consider the question of voting \$50,000 for the relief of the unemployed has certain legal aspects which are attracting wide attention in this State, and the case may serve as a test as to limitations of the powers of a Connecticut town-meeting, which, in general, if exercised in the regular form, have been deemed almost absolute. In Danbury there are about 4,500 voters, of whom a decided majority are directly or indirectly under the control of the unions which are now locked out. The unions intend, apparently, not only to vote the \$50,000, but to have it distributed by a committee of their own, and thus practically vote it for their own relief. If that can be done, by another town-meeting they

public emoluments or privileges from the community."

One of the most prominent lawyers in the State states that the Danbury appropriation can be stopped by an injunction against the town treasurer, on the ground that the town is exceeding its statutory powers. It seems now almost certain that the Danbury town-meeting will vote be attacked. As it takes, in Connecticut, between one and two years for an ordinary case to make the circuit of the State courts the Danbury taxpayers can, apparently, delay the case, whether they finally win it or not, and the whole trouble may be adjusted before the legal decision is reached.

for the receivers of the Jarvis-Conklin Mortgage The committee of the company is nearly complete. The committee consists of seven members, four from the United States and three from Great Britain. Five have been chosen and the two others will be selected probably this week. The accountant firm of Barrow K. Wade. Guthrie & Co., of New-York, has been over the accounts, which have been found regular, with no misrepresentations or falsal-cations.

MILL WHEELS RUN AGAIN. Biddeford, Me., Dec. 6 .- The Hargraves Woollen

on full time.

Tiffin, Ohio, Dec. 6.—The American Strawboard.

Tiffin, Ohio, Dec. 6.—The American Strawboard.

They have been shut down two months.

Fort Plain, N. Y., Dec. 6.—After a long shutdown, the spring and axle works here have resumed operations in full.

PENNSYLVANIA STEEL COMPANY REOR-GANIZATION.

Philadelphia, Dec. 6 .- C. Stewart Patterson, whom the creditors of the Pennsylvania Steel Company recently authorized to appoint a committee of seven recently authorized to appoint a creditors to confer with acommittee of the stock-hollers, to-day pamed the following: Alfred Earn-shaw, of Philadelphia: Charles Morton Stewart, Baltimore; Howland Davis, New-York and Boston, and W. J. Ramey, of Cleveland, Ohto, William C. Preeman, of Cornwall, Penn.; A. J. Cassatt, of Philadelphia, and C. N. Weygandt, of Philadelphia, as the members at large,

JUDGE BILLINGS'S BEQUEST TO YALE.

Activation of the legacies left by the late Judge Billings, of New-Orleans, who died at his summer home her recatly, one of \$70,000 will go to Yale University. The entire income of the amount is to be devoted to the salary of a professor in English literature, a new professorship in which will be created by the bequest.

MRS. HALLIDAY'S STORY OF ANOTHER MURDER. MRS. If ALLIDAY'S STORY OF ANOTHER MURDER.

Saratoga, Dec. 6 (Special).—Jesse Billings, the wealthy canal-boat builder and speculator, of Northumberland, Saratoga County, this afternoon stated that he would pay no attention to the statement of Mrs. Halliday, the alleged murderess, confined in the Sullivan County Jail. Mrs. Halliday, who says she once fived in Greenwich, Washington County, in a published letter, asserts that she knows who shot Mrs. Billings on the evening of June 4, 1878. Billings, who was twice tried for the murder of his wife, considers Mrs. Halliday an irresponsible crank, and believes she knows nothing about the crime.

San Francisco, December 6, 1803. To-day. Yesterday. To-day.

What is Drudgery?

Housekeeping GOLD DUST Washing Powder.